

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SENON MARTINEZ MONTOYA, *on behalf of himself and  
other similarly situated in the proposed FLSA Collective  
Action,*

Plaintiff,

- against -

HAVANA CENTRAL NY 2, LLC, and JEREMY MERRIN,

Defendants.

**Case No. 1:23-cv-00111 (JLR)**

**NOTICE OF MOTION TO  
DISMISS PLAINTIFF'S  
AMENDED COMPLAINT**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint, and the Declaration of Glenn S. Grindlinger, Esq. in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint, dated April 10, 2023, and the exhibits annexed thereto, and upon all of the prior papers and proceedings in this case, Defendants Havana Central NY 2, LLC, and Jeremy Merrin (collectively, "Defendants"), by and through their attorneys, Fox Rothschild LLP, will move before the Honorable Jennifer L. Rochon, on a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Plaintiff's Complaint, in its entirety, with prejudice. Defendants further seek an order granting Defendants costs, fees, and disbursements together with such other and further relief as the Court deems just, proper, and equitable.

Dated: New York, New York  
April 10, 2023

Respectfully submitted,

FOX ROTHSCHILD LLP

/s/ Glenn S. Grindlinger  
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*Attorneys for Defendants*